

# Notice of Allowability

Application No.

10/660,727

Examiner

Dionne N. Harvey

Applicant(s)

POLING ET AL.

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/15/05.
2. ☒ The allowed claim(s) is/are 1,2 and 7-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

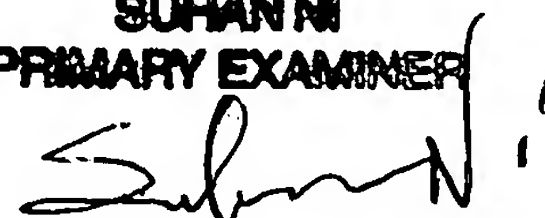
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SUHAN NI  
PRIMARY EXAMINER



## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 4 and 5 are cancelled.

The embodiment described in claim 1 is not described in the specification as including those limitations recited in claims 4-5. Accordingly, the limitations of newly amended claims 4-5 constitute -new matter- and have been cancelled for the purpose of expediting allowance of the remaining claims.

In claim 1:

On line 11, "the outermost" has been replaced with - - an outermost - -

On line 12, "the outermost" has been replaced with - - an outermost - -

On line 13, "a distance" has been replaced with - - a first distance - -

On line 18, "radius of the" has been replaced with - - radius of an - -

On line 19, "that the total" has been replaced with - - that a total - -

On line 22, "on an outer" has been replaced with - - on the outer - -

In claim 2:

On line 3, "an outermost" has been replaced with - - the outermost - -

In claim 7,

On line 9, "the outermost" has been replaced with - - an outermost - -

On line 10, "the outermost" has been replaced with - - an outermost - -

On line 16, "with the" has been replaced with - - with a - -

In claim 8:

On line 3, "multiplied by the result of the" has been replaced with

- - multiplied by a - -

In claim 9,

On line 2, "has open" has been replaced by - - has an open - -

Also on line 2, "and closed area" has been replaced with - - and a closed area - -

In claim 10,

On line 3, "of the average" has been replaced with - - of an average - -

On line 4, "that the total" has been replaced with - - that a total - -

***Allowable Subject Matter***

2. **Claims 1,2 and 7-11** are allowed.

3. The following is an examiner's statement of reasons for allowance:

With regard to the invention of claim 1, the prior art of record fails to teach or to fairly suggest: a loudspeaker system including a transducer, enclosure, port tube and port cover, wherein a first distance measured between an internal surface of the port cover and the exterior of the port tube is at least approximately equal to one-half the radius of the internal cross-sectional area of the port tube, and further wherein a second distance between an edge of the port cover nearest to the loudspeaker enclosure and a wall of the enclosure is greater than the radius of the average cross sectional area of the port tube, and wherein the loudspeaker system is constructed such that any line drawn directly from a tangent point on the outermost end of the port tube through a tangent point on an edge of the port cover nearest to the enclosure, will intersect with the loudspeaker system.

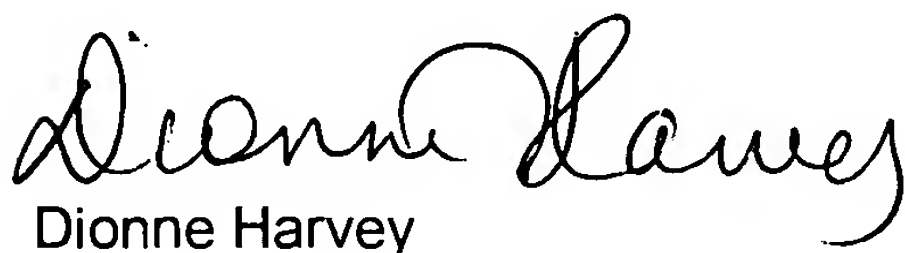
With regard to the invention of claim 7, the prior art of record fails to teach or to fairly suggest: a loudspeaker system including a transducer, enclosure, port tube and port cover, wherein a recessed area is disposed within the enclosure and wherein the port tube is disposed within the recessed area and wherein the port cover covers the outermost opening of the port tube in such a way that the outer surface of the port cover is generally flush with the surrounding surfaces of the enclosure.

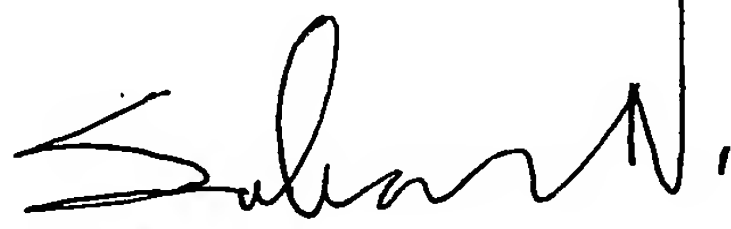
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N. Harvey whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dionne Harvey

  
**SUHAN NI**  
**PRIMARY EXAMINER**